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**OFFICE OF THE SHERIFF**

September 28, 2006

Mr. Tracy Simmons  
Associate Chief, Licensing Operations  
Federal Communications Commission  
1270 Fairfield Road  
Gettysburg, PA 17325

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY IN THE PRIVATE WIRELESS SERVICES – PUBLIC SAFETY 700 MHZ WIDEBAND DATA CHANNELS**

Submitted for the record in:  
WT Docket No. 96-86

Dear Mr. Simmons,

Pursuant to the provisions of 47 C.F.R. § 1.931 this letter constitutes a request for issuance of Special Temporary Authority (STA) on behalf of Hennepin County, Minnesota; Washington County, Minnesota; and the Metropolitan Emergency Services Board of St. Paul, Minnesota (a joint powers entity organized as a Regional Radio Board under Minnesota Laws) collectively referred to herein as "Applicants".

This STA request is for all stations contained in five pending license applications submitted to the Wireless Telecommunications Bureau on April 14, 2006. The ULS file numbers are: 0002667670, 0002667671, 0002667672, 0002667673 and 0002667930. These license applications were off lined for waiver review by the Wireless Telecommunications Bureau in non-docketed proceeding # DA 06-1182 (Request by Hennepin County, Minnesota for Temporary Waiver of Part 90 Rules to Allow Establishment of a Region-Wide 700 MHz Wideband Public Safety Data Communications System).

The subject pending license applications have received Frequency Coordinator approval, Region 22 - 700 MHz Committee approval, and are fully consistent with the FCC's current band plan for 700 MHz wide band data channels. Applicants have proposed to re-channelize the system in the future once the Commission completes its pending rulemaking regarding wireless data interoperability technical standards and a new band plan to accommodate broadband and/or wideband technologies.

**Statement of Justification for STA – Extraordinary Circumstances**

Applicants assert that a delay in the institution of temporary operations will seriously prejudice the public interest by inhibiting the optimization, testing, commissioning, acceptance and operations of a critically important public safety interoperable data communications system which has been in the planning and procurement stages for several years. The following circumstances are the basis for this STA request:



1. Project Schedule

The subject region-wide 700 MHz wideband data communications system successfully completed factory acceptance testing on September 26, 2006 and is currently being shipped to Minnesota. Installation will commence the first week of October, 2006. The STA is needed by October 18<sup>th</sup> which is the date the system contractor (Motorola) will begin activating base station transmitters to optimize the network. Hennepin County needs to begin testing data network interfaces shortly thereafter.

2. Ongoing Risk to Public Safety

On September 24, 2006 a regional Tactical Interoperable Communications Plan exercise simulating a terrorist attack on the Mall of America in Hennepin County illustrated the serious consequences of the current lack of interoperable data communications among first responder and emergency management personnel. The subject 700 MHz wideband system is intended to rectify this deficiency. Delaying the operational use of this important system will present an undue and unnecessary risk to the public's safety.

3. Substantial Public Funds at Risk

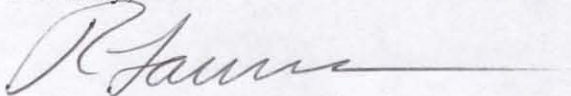
A delay in obtaining the STA would cause the project implementation to be frozen at the equipment installation phase. This would put approximately \$8 million in public funds allocated to date for purchase of the system (including US Justice Department and US Department of Homeland Security interoperability grants) at risk, further prejudicing the public interest.

**Pending Waiver Request – Restatement of Request for Expedited Action**

Pursuant to the provisions of 47 C.F.R. § 1.925, Applicants' rule waiver request dated April 14, 2006 was captioned with the words "Expedited Action Requested." As of this date, over five months later, the matter is still under consideration with no decision having been rendered. We are restating and emphasizing our request for expedited action in this matter.

We are also hereby asking the leadership of the newly established Public Safety and Homeland Security Bureau to assist in facilitating EXPEDITED action to grant the Hennepin County temporary rule waivers. We are concerned that deferring action on the Hennepin County waiver request until the issues contained in the 8<sup>th</sup> NPRM in 96-86 are resolved will adversely impact this critically important public safety initiative in our region and reflect negatively on the new Bureau's ability to meet the pressing needs of the public safety community.

Sincerely,



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cc:

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Mr. Michael Wilhelm